

# **HISTORY OF THE JUDGES OF THE FIRST CIRCUIT**

BY  
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When South Dakota became a state on November 2, 1889, the state constitution provided for eight (8) judicial circuits, each of which had one (1) circuit judge. The circuit judge served four (4) year terms. However, the constitution also provided that a two-thirds (2/3) vote of the legislature could change the number of circuits and their boundaries as well as the number of judges in each circuit.

Article V, §16, of the South Dakota Constitution initially provided that the First Judicial Circuit would include twelve (12) counties; Union, Clay, Yankton, Turner, Bon Homme, Hutchinson, Charles Mix, Douglas, Todd, Gregory, Tripp and Meyer Counties. (At that time Todd County was located further east, in what is now Gregory County, and consisted of part of the military reservation around Ft. Randall. Meyer County, which no longer exists, was located in what is now Todd County and portions of Millette County.)

## **1. Ellison G. Smith**

The first circuit judge elected for the First Judicial Circuit was Ellison G. Smith of Yankton. Smith came to Dakota Territory in 1876. He served as editor of the Dakota Territorial Reports (Volumes 2, 3 and 4) and as Territorial District Attorney before his election to the bench in 1889. Smith was re-elected as circuit judge in 1893, 1897, 1901 and 1904, serving for twenty (20) years before being appointed to the South Dakota Supreme Court in 1909, where he served for an additional fifteen (15) years.

## **2. Robert B. Tripp**

Robert B. Tripp, also of Yankton, was appointed to replace Judge Smith in 1909. Tripp had practiced law in Yankton and had also served as editor of the Dakota Territorial Reports (Volumes 5 and 6). Tripp served as a circuit judge for twenty-four (24) years, being re-elected in 1910, 1914, 1918, 1922, 1926 and 1930. Judge Tripp did not seek re-election in 1934. The boundaries of the First Judicial Circuit were changed several times during this period. In 1897 Union County was moved from the First Circuit into the Second Judicial Circuit. In 1897 Todd County was merged into Gregory County. In 1909 Meyer County was removed from the First Circuit and added to the Fourth Judicial Circuit. In 1911 Gregory and Tripp Counties

were removed from the First Circuit and placed in a new Eleventh Judicial Circuit. In 1917 Turner County was also moved from the First Circuit to the Second Judicial Circuit.

Following these changes, the First Circuit consisted of six (6) counties: Clay, Yankton, Bon Homme, Hutchinson, Charles Mix and Douglas. There was also a change in the number of judges in the First Circuit. In 1925 the legislature determined that there should be two (2) circuit judge in the First Circuit.

### **3. Ambrose B. Beck**

The change in the number of circuit judge took place in 1926 when Ambrose B. Beck of Lake Andes was elected to the bench. Judge Beck served for twenty-four (24) years, being re-elected in 1930, 1934, 1938, 1942 and 1946. He did not seek re-election in 1950.

### **4. Cyrus C. Puckett**

Cyrus C. Puckett of Yankton was elected in 1934 to replace Judge Tripp. Judge Puckett received his law degree from the University of South Dakota in 1910. Prior to his election to the bench, Judge Puckett had practiced law, been state's attorney and owned a newspaper in Tyndall. Judge Puckett served as a judge for thirty-nine (39) years, being re-elected in 1938, 1942, 1946, 1950, 1954, 1958, 1962, 1966 and 1970. Judge Puckett resigned in 1973 due to ill health, as he was ninety-one (91) years old at the time and was the oldest and longest-sitting trial judge in the United States. Judge Puckett died in February of 1974.

### **5. James R. Bandy**

James R. Bandy of Armour was elected in 1950 to replace Judge Beck. Judge Bandy received his law degree from the University of South Dakota in 1922. He served as a circuit judge for twenty (20) years, being re-elected in 1954, 1958, 1962 and 1966. Judge Bandy resigned in 1969 and died in 1997.

### **6. Ernest W. Hertz**

Ernest W. Hertz was appointed to replace Judge Bandy in 1970. Judge Hertz had received his law degree from the University of South Dakota in 1948 and had previously served as state's attorney and practiced law in Menno. He served as a circuit judge for twenty-two (22) years, being re-elected in 1974, 1982 and 1990. He served as presiding judge of the First Judicial Circuit from 1975 until his retirement in 1993.

## **7. James Adams**

James Adams of Vermillion was appointed by Governor Richard Kneip to replace Judge Puckett in 1973. Judge Adams, who was originally from Sioux Falls, had served as Dean of the USD Law School from 1968 to 1973. He was defeated at the election in 1974.

At the general election in 1972, the voters approved a constitutional amendment reorganizing the court system in South Dakota. The amended Article V provided for a Unified Judicial System, extended judicial terms to eight (8) years and provided that the number of circuits and the number of judges in each circuit would be determined by Supreme Court rule. This constitutional amendment became effective following the election in 1974. Following the passage of this constitutional amendment, the Supreme Court determined that Union County should be returned to the First Judicial Circuit from the Second Circuit and that there would be three (3) circuit judges in the First Circuit.

## **8. Paul J. Kern**

In the 1974 election Paul J. Kern of Lake Andes was elected as a circuit judge. Judge Kern received his law degree from the University of South Dakota and had previously served as state's attorney and district county judge in Lake Andes. He was re-elected in 1982 and 1990. Judge Kern served as Presiding Judge of the First Circuit from 1993 to 1995. He retired in 1995.

## **9. Donald Erickson**

Donald Erickson of Yankton was also elected as a circuit judge at the 1974 election. Judge Erickson had received his law degree from the University of South Dakota and had previously practiced law and served as district county judge in Yankton. He resigned as a judge in 1981.

In 1977 the Supreme Court reorganized the circuits and moved Lincoln and Turner Counties from the Second Circuit to the First Judicial Circuit, and added a fourth circuit judge's position to the First Circuit.

## **10. Robert Ulrich**

Robert Ulrich of Vermillion was appointed by Governor Richard Kneip to the new circuit judge position in 1977. Judge Ulrich had received his law degree from the University of South Dakota and had previously practiced law in Vermillion and served as a law-trained magistrate judge in the First Judicial Circuit. He resigned as a judge in 1981.

## **11. Jay Tapken**

Jay Tapken of Yankton was appointed by Governor William Janklow to replace Judge Donald Erickson in 1981. Judge Tapken had received his law degree from the University of South Dakota in 1970 and had previously practiced law in Olivet and served as state's attorney. Judge Tapken was re-elected in 1982 and 1990. Judge Tapken served as presiding judge of the First Circuit in 1993. He resigned as a judge in 1993.

## **12. Wayne Christensen**

Wayne Christensen of Canton was appointed by Governor William Janklow to replace Judge Robert Ulrich in 1981. Judge Christensen had been a circuit judge in the Second Judicial Circuit since 1970, but resigned to accept an appointment in the First Circuit when Lincoln County, where he resided, was transferred into the First Circuit in 1977. He was defeated by Riley Connolly at the election in 1982.

## **13. Riley Connolly**

Riley Connolly of Parker defeated Judge Wayne Christensen at the 1982 election. Judge Connolly had received his law degree from Creighton University in 1952. He had previously practiced law and served as state's attorney in Parker and had served as a law-trained magistrate judge in the First Judicial Circuit. He resigned as a judge in 1988.

## **14. Richard Bogue**

Richard Bogue of Canton was appointed by Governor George Mickelson to replace Judge Riley Connolly in 1988. Judge Bogue had received his law degree from the University of Wisconsin in 1964 and had previously practiced law and been state's attorney in Canton. He was re-elected in 1990 and 1998. On July 1, 2000, he was transferred to the Second Judicial Circuit when Lincoln County was moved back to that circuit.

## **15. Kathleen Caldwell**

Kathleen Caldwell of Sioux Falls was appointed by Governor George Mickelson to replace Judge Ernest W. Hertz in 1993. Judge Caldwell received her law degree from the University of South Dakota in 1980 and had previously practiced law in Sioux Falls. She was re-elected in 1998. Effective July 1, 2000, she was transferred to the Second Judicial Circuit.

## **16, Arthur L. Rusch**

Arthur L. Rusch of Vermillion was appointed by Governor Walter Dale Miller to replace Judge Jay Tapken in March of 1994. Judge Rusch received his law degree from the University of South Dakota in 1971 and had previously practiced law and been state's attorney in Vermillion. He was re-elected in 1998 and 2006. He was Presiding Judge of the First Circuit from January 1, 1995 until his retirement in June of 2011.

## **17. Lee Tappe**

Lee Tappe of Lake Andes was appointed by Governor William Janklow to replace Paul Kern in 1995. Judge Tappe received his law degree from the University of South Dakota and had previously practiced law and served as state's attorney in Platte. He had also been a law-trained magistrate for the First Circuit. Judge Tappe died in January of 2003.

Effective July 1, 2000, the circuits were again reorganized, and Judges Bogue and Caldwell were moved from the First Judicial Circuit to the Second Judicial Circuit. At the same time, what had previously been the Fourth Judicial Circuit was dissolved and six (6) counties -- McCook, Hanson, Davison, Aurora, Brule and Buffalo -- were moved into the First Judicial Circuit, making a total of fourteen (14) counties in that circuit. Three (3) of the judges from the Fourth Circuit were also moved into the First Circuit.

## **18. Boyd McMurchie**

Boyd McMurchie of Mitchell was transferred to the First Judicial Circuit from the Fourth Circuit in 2000. Judge McMurchie received his law degree from the University of South Dakota and had previously practiced law and served as state's attorney in Brule County, as well as serving as the state's attorney in Lyman County. He was initially elected as a circuit judge in 1974. He retired as a judge in October of 2005.

## **19. Ronald Miller**

Ronald Miller of Plankinton was transferred to the First Circuit from the Fourth Circuit in 2000. Judge Miller received his law degree from the University of South Dakota in 1969. He practiced law in Kimball, and was the state's attorney in Brule County and Buffalo County. He also served as a state legislator. He was initially appointed as a circuit judge by Governor William Janklow in 1986 and served as the Fourth Circuit Presiding Judge for some time. He retired as a judge in May of 2006.

## **20. Lee Anderson**

Lee Anderson of Mitchell was transferred to the First Circuit from the Fourth Circuit in 2000. Judge Anderson received his law degree from the University of Denver College of Law in 1976 and had practiced law in Mitchell until he was elected to the bench of the Fourth Judicial Circuit in 1990. He died in September of 2006.

## **21. Glen Eng**

Glen Eng of Yankton was appointed by Governor William Janklow to a new circuit judge position in October of 2000. Judge Eng received his law degree from the University of South Dakota and had previously practiced law and served as state's attorney in Flandreau. He was re-elected in 2006.

## **22. Steve Jensen**

Steve Jensen of Elk Point was appointed by Governor Michael Rounds to replace Judge Lee Tappe in October of 2003. Judge Jensen received his law degree from the University of South Dakota and had previously practiced law in Sioux City and Dakota Dunes. He was re-elected in 2006. Judge Jensen was appointed as Presiding First Circuit Judge in June of 2011.

## **23. Bruce Anderson**

Bruce Anderson of Lake Andes was appointed by Governor Michael Rounds to replace Judge Boyd McMurchie in January of 2006. Judge Anderson received his law degree from the University of South Dakota and had previously practiced law in Wagner and had served as a law-trained magistrate for the First Circuit. He was re-elected in 2006.

## **24. Timothy Bjorkman**

Timothy Bjorkman of Salem was elected as a circuit judge at the general election in 2006 to replace Judge Ronald Miller. He started as a judge in January of 2007. Judge Bjorkman received his law degree from the University of South Dakota and had previously practiced law in Bridgewater.

## **25. Sean O'Brien**

Sean O'Brien of Mitchell was appointed by Governor Rounds in June of 2007 to fill the vacancy resulting from the death of Judge Lee Anderson. Judge O'Brien received his law degree from the University of South Dakota and, before his appointment to the bench, he practiced law in Brookings and

served in the state legislature from Brookings County. He retired from the bench in July of 2012.

## **26. Cheryle Gering**

Cheryle Gering of Freeman was appointed as a Circuit Judge by Governor Dennis Daugaard in April, 2011 and took the bench in July, 2011. Judge Gering received her law degree from the University of Iowa in 1991 and previously practiced law in Sioux Falls.